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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,092	02/26/2002	Timothy J. Clemens	56471US010	8110

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EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,092

Applicant(s)

CLEMENS ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-18,24,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-18,24,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/26/05 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5-18, 24, 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended

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claim 1 to include the limitation that the thermoset layer contains only thermoset adhesive resins. This limitation is not present in the specification or previous claims.

Claim Rejections - 35 USC § 102

Claims 1, 6, 13, 24 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitahara et al. (6,372,870 B1). Regarding claims 1, 6, 13 and 24, Kitahara et al. disclose an article comprising a backing comprising a fluorinated polymer that is not perfluorinated (col.5, line 51-col.6, line 61), and a curable thermoset adhesive layer that is non-tacky after cure and contains only thermoset adhesive resins, more specifically epoxy resins of glycidyl ether or urethane resins (col.8, lines 30-33) bonded to a substrate (col.13, lines 28-30).

Regarding claim 30, Kitahara et al. disclose a patterned backing layer (Figure 3). It is the examiner's position that the backing layer of Kitahara et al., which discloses a flat surface, is a patterned surface, as a flat surface can be a pattern.

Claim Rejections - 35 USC § 103

Claims 5-7, 10, 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. (6,372,870 B1) in view of Rinde et al. (5,470,622). Kitahara et al., as applied above, are as set forth and incorporated herein. Kitahara et al. do not appear to specifically disclose the instantly claimed curing temperature, curing agent, and additive. Rinde et al. disclose an article comprising a backing comprising a fluorinated polymer that is not perfluorinated (col.7, lines 21-35), a thermoset adhesive

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(col.3, line 46-col.5, line 36) on at least one unetched surface of the backing layer (col.3, lines 35-45), a curable composition at room temperature (col.5, lines 44-57), and curing agents selected from the group as instantly claimed (col.5, line 57-col.6, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have cured the epoxy resin curing agent, temperature, and additive as taught by Rinde et al. for the epoxy of Kitahara et al. because Rinde et al. teach that the cured epoxy resin produces an article with high flexibility and no brittleness, resulting in a higher quality product.

Claims 8, 9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. (6,372,870 B1) in view of Hoyle et al. (WO 99/64235). Kitahara et al., as applied above, are as set forth and incorporated herein. Kitahara et al. do not appear to specifically disclose a backing layer and surfaces as claimed. Hoyle et al. disclose a protective article comprising a backing comprising a fluorinated polymer that is not perfluorinated, more specifically the instantly claimed polymers (page 6, lines 11-25 and page 7, lines 6-10) a curable adhesive layer on at least one surface thereof (page 8, lines 10-25), and the instantly claimed substrates (page 1, lines 22-28 and page 3, line 24-page 5, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the backing material applied to surfaces as taught by Hoyle et al. for the article of Kitahara et al. because Hoyle et al. teach that using the claimed backing layer on substrates as

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claimed produces a conformable article applicable to a variety of substrates, resulting in a more versatile product.

Regarding claims 16 and 17, Kitahara et al. and Hoyle et al. do not appear to specifically disclose the instantly claimed substrates. However, it is not clear how what the article as claimed is bonded to materially affects the overall claimed article.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the article to a variety of substrates, because many different types of substrates can benefit from being covered, including those as taught by applicant.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al. (6,372,870 B1) in view of Rinde et al. (5,470,622), further in view of Neumann et al. (5,889,125). The Kitahara et al. combination, as applied above, is as set forth and incorporated herein. The Kitahara et al. combination does not appear to specifically disclose a curing agent as claimed. Rinde et al. do, however, disclose diamine curing agents (col.5, lines 51-66). Neumann et al. disclose a composition for applying to many types of substrates (col.6, line 50-col.7, line 8) comprising a modified bisphenol A epoxy resin (col.6, lines 28-34) and a curing agent of polymer diamines, more specifically 4,7,10-trioxatridecane-1,13-diamine (col.4, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a polymer diamine as taught by Neumann et al. in the resin composition of the Kitahara et al. combination because Neumann et al. teach that using a polymer diamine

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curing agent with an epoxy resin produces a composition that is reactive at lower temperatures and high atmospheric humidity, resulting in a higher quality and more versatile product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan 

June 30, 2005

DAVID J. BUTTNER
PRIMARY EXAMINER

